



General Assembly

February Session, 2004

***Raised Bill No. 49***

LCO No. 249

\* \_\_\_\_\_SB00049LAB\_\_022504\_\_\_\_\_\*

Referred to Committee on Labor and Public Employees

Introduced by:  
(LAB)

***AN ACT CONCERNING COLLECTIVE BARGAINING FOR STATE MANAGERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 5-270 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2004*):

3 When used in sections 5-270 to 5-280, inclusive:

4 (a) "Employer" means the state of Connecticut, its executive and  
5 judicial branches, including, without limitation, any board,  
6 department, commission, institution, or agency of such branches or  
7 any appropriate unit thereof and any board of trustees of a state-  
8 owned or supported college or university and branches thereof, public  
9 and quasi-public state corporation, or authority established by state  
10 law, or any person or persons designated by the employer to act in its  
11 interest in dealing with employees, but [shall] does not include the  
12 State Board of Labor Relations or the State Board of Mediation and  
13 Arbitration.

14 (b) "Employee" means any employee of an employer, whether or not

15 in the classified service of the employer, except elected or appointed  
16 officials other than special deputy sheriffs, board and commission  
17 members, [managerial employees] bureau heads and confidential  
18 employees.

19 (c) "Professional employee" means: (1) Any employee engaged in  
20 work (A) predominantly intellectual and varied in character as  
21 opposed to routine mental, manual, mechanical or physical work; (B)  
22 involving the consistent exercise of discretion and judgment in its  
23 performance; (C) of such a character that the output produced or the  
24 result accomplished cannot be standardized in relation to a given time  
25 period; (D) requiring knowledge of an advanced type in a field of  
26 science or learning customarily acquired by a prolonged course of  
27 specialized intellectual instruction and study in an institution of higher  
28 learning or a hospital, as distinguished from a general academic  
29 education or from an apprenticeship or from training in the  
30 performance of routine mental, manual or physical processes; or (2)  
31 any employee who has completed the courses of specialized  
32 intellectual instruction and study described in subsection (c)(1)(D) and  
33 is performing related work under the supervision of a professional  
34 person to qualify [himself] to become a professional employee as  
35 defined in subsection (c)(1).

36 (d) "Employee organization" means any lawful association, labor  
37 organization, federation or council having as a primary purpose the  
38 improvement of wages, hours and other conditions of employment  
39 among state employees.

40 (e) "Confidential employee" means any public employee who would  
41 have access to confidential information used in collective bargaining.

42 (f) "Supervisory employee" means any individual in a position in  
43 which the principal functions are characterized by not fewer than two  
44 of the following: (1) Performing such management control duties as  
45 scheduling, assigning, overseeing and reviewing the work of  
46 subordinate employees; (2) performing such duties as are distinct and

47 dissimilar from those performed by the employees supervised; (3)  
 48 exercising judgment in adjusting grievances, applying other  
 49 established personnel policies and procedures and in enforcing the  
 50 provisions of a collective bargaining agreement; and (4) establishing or  
 51 participating in the establishment of performance standards for  
 52 subordinate employees and taking corrective measures to implement  
 53 those standards, provided in connection with any of the foregoing the  
 54 exercise of such authority is not merely of a routine or clerical nature,  
 55 but requires the use of independent judgment. [, and such individuals  
 56 shall be] Such individuals are employees within the meaning of  
 57 subsection (b) of this section. The above criteria for supervisory  
 58 positions [shall] does not necessarily apply to police or fire  
 59 departments.

60 (g) "Managerial employee" means any individual in a position in  
 61 which the principal functions are characterized by not fewer than two  
 62 of the following, provided for any position in any unit of the system of  
 63 higher education, one of such two functions shall be as specified in  
 64 subdivision (4) of this subsection: (1) Responsibility for direction of a  
 65 subunit or facility of a major division of an agency or assignment to an  
 66 agency head's staff; (2) development, implementation and evaluation  
 67 of goals and objectives consistent with agency mission and policy; (3)  
 68 participation in the formulation of agency policy; or (4) a major role in  
 69 the administration of collective bargaining agreements or major  
 70 personnel decisions, or both, including staffing, hiring, firing,  
 71 evaluation, promotion and training of employees. Such individuals,  
 72 other than any individuals who are bureau heads, as defined in  
 73 subsection (h) of this section, are employees within the meaning of  
 74 subsection (b) of this section.

75 (h) "Bureau head" means any individual who heads a major division  
 76 of an agency and reports to the agency head or deputy agency head,  
 77 provided: (1) The number of bureau heads in any agency shall not  
 78 exceed the greater of (A) one, or (B) one-half of one per cent of the total  
 79 number of permanent full-time employees in the agency, rounded to

80 the next lowest whole number, (2) the number of bureau heads in the  
 81 state executive branch shall not exceed one-half of one per cent of the  
 82 total number of permanent full-time employees in the branch, rounded  
 83 to the next lowest whole number, and the number of bureau heads in  
 84 the state judicial branch shall not exceed one-half of one per cent of the  
 85 total number of permanent full-time employees in the branch, rounded  
 86 to the next lowest whole number, and (3) if an agency has more major  
 87 divisions than the number of bureau heads permitted in the agency by  
 88 this subsection, the major divisions shall be ranked by the number of  
 89 permanent full-time employees in each, and any individual heading a  
 90 major division with a smaller number of permanent full-time  
 91 employees shall be excluded from being classified as a bureau head  
 92 before any individual heading a major division with a larger number  
 93 of full-time employees.

94 Sec. 2. Subsection (b) of section 5-275 of the general statutes, as  
 95 amended by section 13 of public act 03-19, is repealed and the  
 96 following is substituted in lieu thereof (*Effective October 1, 2004*):

97 (b) The board shall determine the appropriateness of a unit which  
 98 shall be the public employer unit or a subdivision [thereof] of the  
 99 public employer unit. In determining the appropriateness of the unit,  
 100 the board shall: (1) Take into consideration, but shall not limit  
 101 consideration to, the following: (A) Public employees must have an  
 102 identifiable community of interest, and (B) the effects of  
 103 overfragmentation; (2) not decide that any unit is appropriate if (A)  
 104 such unit includes both professional and nonprofessional employees,  
 105 unless a majority of such professional employees vote for inclusion in  
 106 such unit, or (B) such unit includes both Department of Correction  
 107 employees at or above the level of lieutenant and Department of  
 108 Correction employees below the level of lieutenant; (3) decide that a  
 109 unit is not appropriate if the unit includes both managerial and  
 110 nonmanagerial employees; (4) take into consideration that when the  
 111 state is the employer, it will be bargaining on a state-wide basis unless  
 112 issues involve working conditions peculiar to a given governmental

113 employment locale; [(4)] (5) permit the faculties of (A) The University  
114 of Connecticut, (B) the Connecticut State University system, and (C)  
115 the state regional vocational-technical schools to each comprise a  
116 separate unit, which in each case shall have the right to bargain  
117 collectively with their respective boards of trustees or their designated  
118 representatives; and [(5)] (6) permit the community college faculty and  
119 the technical college faculty as they existed prior to July 1, 1992, to  
120 continue to comprise separate units, which in each case shall have the  
121 right to bargain collectively with its board of trustees or its designated  
122 representative. Nonfaculty professional staff of the above institutions  
123 may by mutual agreement be included in such bargaining units, or  
124 they may form a separate bargaining unit of their own. This section  
125 shall not be deemed to prohibit multiunit bargaining.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>

**LAB**      *Joint Favorable*